



September 28, 2000

Ms. Pamela Smith
Assistant General Counsel
Texas Department of Public Safety
Post Office Box 4087
Austin, Texas 78773-0001

OR2000-3744

Dear Ms. Smith:

You have asked whether certain information is subject to required public disclosure under the Public Information Act, chapter 552 of the Government Code. Your request was assigned ID# 140802.

The Texas Department of Public Safety received a request for a copy of a video tape. We believe that a prior ruling, Open Records Letter No. 2000-3300 (2000), answers your question concerning whether this tape is excepted from public disclosure under section 552.108(a)(1) of the Government Code. You may rely upon Open Records Letter No. 2000-3300 (enclosed) as a previous determination on this issue under section 552.301 of the Government Code and thus need not ask this office again for a decision concerning the video tape as long as the case investigation or prosecution remains active. *See* Gov't Code § 552.108(a)(1); *Houston Chronicle Publ'g Co. v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.--Houston [14th Dist.] 1975), *writ ref'd n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976) (court delineates law enforcement interests that are present in active cases); Open Records Decision No. 216 at 3 (1978).

If you have any questions about this ruling, please contact our office.

Sincerely,

Nathan E. Bowden
Assistant Attorney General
Open Records Division

NEB/cwt

Ref: ID# 140802

Encl. Copy of OR2000-3300

cc: Dessie W. Andrews
P.O. Box 82541
Austin, Texas 78708
(w/enclosure)